

# **EXHIBIT 43**

1                   UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF CALIFORNIA  
3                   SAN JOSE DIVISION

4  
5                   CISCO SYSTEMS, INC.                   Case No.: 5:14-cv-05344-BLF (PSG)

6                   Plaintiff,

7                   v.

8                   ARISTA NETWORKS, INC.

9                   Defendants.

10  
11  
12                 \* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*

13  
14                 VIDEOTAPED DEPOSITION OF PHILLIP REMAKER

15                 30(b)(6) FOR CISCO SYSTEMS, INC.

16                 Palo Alto, California

17                 Thursday, March 31, 2016

18                 Volume 1

19  
20                 Reported by:

21                 LESLIE JOHNSON

22                 RPR, CSR No. 11451

23                 Job No.: 2281749

24                 PAGES 1 - 216

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 of a command response, are there any guidelines that  
2 exist at Cisco, whether written or not, that apply  
3 to the creation of a command response?

4 MR. NEUKOM: Objection. Vague.

5 THE WITNESS: I'm not aware of any  
6 specific ones.

7 BY MR. WONG:

8 Q. You can set that aside.

9 Now, Mr. Remaker, can you put Exhibit 431  
10 in front of you, please. Do you understand that  
11 Cisco has identified individuals who Cisco believes  
12 is the author or originator of the commands at issue  
13 in this litigation?

14 MR. NEUKOM: Objection. Misstates the  
15 document.

16 BY MR. WONG:

17 Q. Let me rephrase the question.

18 Mr. Remaker, what is your understanding of  
19 the document marked as Exhibit 431?

20 MR. NEUKOM: Objection. The document  
21 speaks for itself.

22 THE WITNESS: I understand the document is  
23 Cisco's seventh supplemental response to  
24 interrogatory No. 16 and response to interrogatory  
25 No. 19.

1 BY MR. WONG:

2 Q. Okay. What is your understanding of the  
3 second column of the table that is shown in  
4 Exhibit 431?

5 MR. NEUKOM: Objection. The document  
6 speaks for itself.

7 THE WITNESS: The second column designates  
8 Cisco as the author of the commands and identifies  
9 the originator of that command.

10 BY MR. WONG:

11 Q. Do you understand that Exhibit 431 lists  
12 the CLI commands that Cisco accuses Arista of  
13 infringing in this lawsuit?

14 A. That is my understanding.

15 Q. Do you understand that you have been  
16 identified in this document as being associated with  
17 one of these commands?

18 A. Yes.

19 Q. Okay. Do you know which command that you  
20 are associated with, Mr. Remaker?

21 A. That would be the "show inventory"  
22 command.

23 Q. What is the functionality -- what function  
24 is performed by the "show inventory" command?

25 MR. NEUKOM: Objection. Off topic.

1                   THE WITNESS: The "show inventory" command  
2                   provides a list of all of the hardware items in a  
3                   specific Cisco device, including their part number,  
4                   version number, serial number and name, to the  
5                   extent that that information is available.

6                   BY MR. WONG:

7                   Q.     Were you involved in the selection and  
8                   creation of the "show inventory" command?

9                   A.     I was involved in the specification of the  
10                  "show inventory" command.

11                  Q.     So what role -- strike that.

12                  Was anybody else involved in the creation  
13                  of the "show inventory" command?

14                  A.     Yes.

15                  Q.     Who else was involved?

16                  A.     I don't recall all of the people involved.

17                  Q.     Do you recall approximately how many  
18                  people were involved in the creation of the "show  
19                  inventory" command?

20                  A.     Probably 6 to 10 people.

21                  Q.     What role did you, in particular, play in  
22                  the creation of the "show inventory" command.

23                  A.     I assembled the feedback, was involved in  
24                  discussions around how to design the command, and  
25                  ultimately wrote the specification.

1 Q. Did you play any role in the selection of  
2 the words used in the "show inventory" command  
3 syntax?

4 A. Yes.

5 Q. What role did you play in the selection of  
6 the words used in the "show inventory" command  
7 syntax?

8 A. I proposed words to the team, took  
9 feedback, and settled on both the choice of words  
10 and the organization of the hierarchy of the  
11 command.

12 Q. Anything else?

13 A. Also, in the specification of the way the  
14 output would be presented.

15 Q. Anything else?

16 A. Not that I can recall.

17 Q. Did you write any source code for the  
18 "show inventory" command?

19 A. I did not write any source code.

20 Q. Did you write any documentation for the  
21 "show inventory" command?

22 A. I might have written documentation for the  
23 "show inventory" command.

24 Q. And by documentation, I mean user  
25 documentation.

1 A. I presume I was involved in writing the  
2 documentation for the command.

3 (Exhibit 442 marked for identification.)  
4 BY MR. WONG:

5 Q. The court reporter has marked as  
6 Exhibit 441 the document --

7 THE REPORTER: 442.

8 MR. WONG: 442?

9 BY MR. WONG:

10 Q. -- a document bearing control number  
11 CSI-CLI 610102 to 610105.

12 Mr. Remaker, do you recognize the document  
13 marked as Exhibit 442?

14 A. Yes.

15 Q. What is the document marked as  
16 Exhibit 442?

17 A. The document marked Exhibit 442 appears to  
18 be an early proposed draft of the "show inventory"  
19 command.

20 Q. When you refer to being responsible for  
21 drafting the specification for the "show inventory"  
22 command, were you referring to the document marked  
23 as Exhibit 442?

24 A. This was a draft of the specification.

25 Q. Who is -- at the top of Exhibit 442,